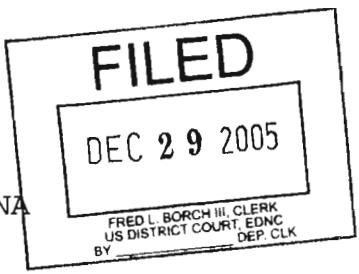


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION



NO. 5:04-CR-211-BO(1)

UNITED STATES OF AMERICA)
)
 v.) MOTION TO EXTEND MOTION
) RESPONSE TIME
DAVID A. PASSARO)

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby moves the Court to extend the time permitted the Government to respond to the Defendant's Motion to Compel Witness Interviews and Defendant's Motion for Judicial Notice and in support thereof, shows unto the Court the following:

1. On December 15, 2005, Defendant filed a Motion to Compel Witness Interviews and a Motion for Judicial Notice. Both of these motions are directly related to Defendant's alleged public authority defense, and would be rendered moot if the Government was successful in excluding the public authority defense.

2. On December 22, 2005, Defendant filed his Supplemental Memorandum in Opposition to Government's Motion In Limine to Exclude Public Authority Defense and Proffer in Support of Public Authority Defense.

3. The Government requests an extension of time to respond to Defendant's Motion to Compel Witness Interviews and Motion for Judicial Notice so that it may adequately respond to Defendant's Supplemental Memorandum in Opposition to Government's Motion In

C:Boyle

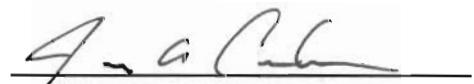
Limine to Exclude Public Authority Defense and Proffer in Support of Public Authority Defense, which may ultimately render the two instant motions moot.

4. According to the Government's calculation, the Government's response to the Motion to Compel Witness Interviews and Judicial Notice would be due Friday, December 30, 2005. Accordingly, the Government requests that it be granted until Monday January 30, 2006, to respond to the Motion to Compel Witness Interviews and Judicial Notice

5. Counsel for the Defendant, Joseph Gilbert, has been consulted about this Motion to Extend Response Time and reports that he has no objection thereto.

Respectfully submitted, this 29th day of December 2005.

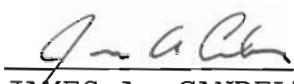
FRANK D. WHITNEY
United States Attorney


BY: JAMES A. CANDELMO
Assistant United States Attorney
Criminal Division

CERTIFICATE OF SERVICE

This is to certify that I have this 29th day of December, 2005, served a copy of the foregoing upon the Defendant by hand delivery of the same addressed as follows:

Thomas P. McNamara, Esq.
Federal Public Defender's Office
Raleigh, North Carolina



JAMES A. CANDELMO
Assistant United States Attorney
Criminal Division